

**SIEMENS****FACSIMILE COVER SHEET****RECEIVED  
CENTRAL FAX CENTER  
NOV 13 2007**In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Michael STEIERT

Application No. 10/541,178

Attorney Docket No. 2002P19801WOUS

Filed: 07/05/2005

Title: COMBINED INSTRUMENT

Examiner: Mark TSIDULKO

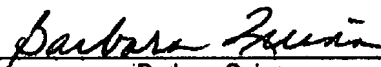
Art Unit: 2875

**FACSIMILE ATTN TO EXAMINER: Mark TSIDULKO****FAX NO.: 571-273-8300****PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop: Issue Fee  
Commissioner for Patents  
P.O. Box 1460  
Alexandria VA 22313-1450

**Certificate of Transmission under 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on  
November 12, 2007



Barbara Quinn

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg.)  
PTO/SB/21 Transmittal Form (1 pg.)  
Petition to Withdraw Holding of Abandonment (3 pgs.)

<b>Number of pages being transmitted (including this cover sheet): 5 pgs.</b>
---

The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.

**Siemens Corporation**

Legal and Intellectual Property  
Department

4400 Alafaya Trail  
Orlando Florida 32826

Tel: 407-736-2472  
FAX: 407-736-6440

NOV. 12. 2007 3:33PM

407-736-6440

RECEIVED  
CENTRAL FAX CENTER

NO. 8217 P. 2

NOV 13 2007

PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission


4

Application Number	10/541,178
Filing Date	07/05/2005
First Named Inventor	Michael STEIERT
Art Unit	2875
Examiner Name	Mark TSIDULKO
Attorney Docket Number	2002P19801WOUS

## ENCLOSURES (Check all that apply)

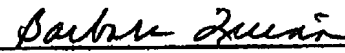
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Petition to Withdraw Holding of Abandonment
--	--	--

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Siemens		
Signature			
Printed name	John P. Musone		
Date	November 12, 2007	Reg. No.	44,981

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Barbara Quinn	Date	November 12, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

2002P19801WOUS  
Michael STEIERT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

NOV 13 2007

In re Application of: Michael STEIERT

Art Unit: 2875

Application No.: 10/541,178

Examiner: Mark TSIDULKO

Filing Date: 07/05/2005

Atty. Docket: 2002P19801WOUS

For: *COMBINED INSTRUMENT*

Confirmation No.: 6618

PETITION TO WITHDRAW HOLDING OF ABANDONMENTMail Stop: Issue Fee  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Under 37 CFR § 1.181(a), Applicant respectfully requests withdrawal of the holding of abandonment for the reasons set forth below. Prompt consideration and granting of the petition is respectfully requested.

2002P19801WOUS  
Michael STEIERT

STATEMENT OF FACTS

1. On October 5, 2006, Applicant received a first Office Action on the merits, mailed September 27, 2006, regarding the above-referenced application. The Office Action Summary indicates that the drawings filed on 05 July 2005 are "accepted." The Detailed Action does not address or object to the drawings.
2. On March 26, 2007, Applicant received a final Office Action, mailed March 19, 2007. The Office Action Summary indicates that the drawings filed on 05 July 2005 are "accepted." The Detailed Action does not address or object to the drawings.
3. On July 9, 2007, Applicant received the Notice of Allowability, which indicates that corrected drawings must be submitted including the changes required by the Notice of Draftsperson's Patent Drawing Review attached "hereto." Applicant did not receive the Notice of Draftsperson's Patent Drawing Review indicated as being attached to the Notice of Allowability. The Detailed Action does not address or object to the drawings.
4. On September 17, 2007, Applicant paid the Issue Fee without submitting corrected drawings.

2002P19801WOUS  
Michael STEIERTREMARKS

On November 5, 2007, Applicant received the Notice of Abandonment, mailed October 26, 2007, according to which the application is abandoned due to Applicant's failure to timely file corrected drawings. Applicant contends that the application is not in fact abandoned because the Office accepted the drawings (cf. Office Actions mailed September 27, 2006, and March 19, 2007), and corrected drawings were in fact not required. No fee is required.

Applicant believes that the request for corrected drawings in the Notice of Allowability was in error because the Office previously accepted the drawings, the Examiner does not address or object to the drawings, and a Notice of Draftsperson's Patent Drawing Review was not attached to the Notice of Allowability.

Applicant submits further that according to Public PAIR the Notice of Allowability does not have a Notice of Draftsperson's Patent Drawing Review attached.

In view of the foregoing, Applicant respectfully petitions the Office to withdraw the holding of abandonment, and to complete the issue process.

If any issues remain or require clarification, the Office is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Respectfully submitted,

Dated: 11/12/07

John P. Musone  
Attorney for Applicant  
Registration No. 44,961  
Tel: (407) 736 6449  
Customer No.: 28204